IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 9752 of 2004**

Between:

1 G.Vinay Bhushan, S/o Late G.Yellaiah, 6-3-279,
Balapuram, Erramanzil Colony, Hyderabad-4
2 K.V.Vasudeva Rao, S/o Late K.Babu Rao, H.No.6-3-159/7,
Prem Nagar, Khairatabad, Hyderabad-4

**..... PETITIONERS**

AND

1 Bharath Sanchar Nigam Limted, Hyderabad Telecommunications,
rep. by its General Manager, Gunfoundry, Abids, Hyderabad.
2 Junior Telecom Officer , Zonal Office, B-Section , Saifabad
Exchange, Chinthalbasthi, Khairatabad, Hyderabad

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in demanding the petitioners herein for payment of arrears of telephone bills holding connection in the name of a) J.Srinivas, Premises No.6-3-213/A, Premnagar Tel: No.23329910 b) J.Srinivas, Premises No.6-3-213/A, Premnagar Tel: No.23309288 c) Salma Siddiqua, Premises No.6-3-213/A, Premnagar Tel:No.23329047 d) J.Narsimhulu, Premises No.6-3-213/A, Premnagar Tel:No.23329563 and runned STD Booth in the premises 6-3-213/A, Premnagar, Khairatabad, Hyderabad belonging to the 1st petitioner herein failing which the respondent authorities are going to seize premises in question is illegal and void and opposed to Articles 14, 19, 21 and 300-A of the Constitution of India, and consequently to direct the respondents not to harass the petitioner herein for payment of third parties' arrears of telephone bills.

**For the Petitioners: MR. MUMMANENI SRINIVASA RAO, Advocate.**

**For the Respondent Nos.1&2: Mrs. Ch. Laxmi Kumari, Addl. Standing Counsel for Central Government**

**The Court made the following:**

**ORDER:**

This writ petition has been filed by the petitioners questioning the action of the respondents in demanding the petitioners to pay arrear telephone bills relating to telephone Nos.23329910, 23309288, 23329047 and 23329563 which are in the names of one J. Srinivas, Salma Siddiqua and J. Narsimhulu, and in threatening them to seize their premises bearing No.6-3-213/A, Premnagar, Khairatabad, Hyderabad.

The first petitioner is the owner of the premises in question. It is alleged that through the second petitioner, one J. Srinivas took the premises on rent for running a telephone booth therein and obtained telephone connections in question on various names and ran the booth for some time and later suddenly absconded without paying the telephone bills and leaving one telephone billing machine and two telephone instruments in the premises. The grievance of the petitioners is that the respondents started demanding the petitioners to pay the arrear bill amounts of the said telephones and are also threatening to seize their premises. Assailing the said action of the respondents, the present writ petition is filed.

The second respondent filed counter affidavit denying the allegations made in the affidavit filed in support of the writ petition. It is stated that one J. Srinivas obtained two telephone connections, in the names of Salma Siddique, physically handicapped lady and J. Narasimhulu for the purpose of running Public Call Office (PCO) in the premises in question and consumption charges were paid up to April, 2004. It is also stated that on enquiries by their vigilance cell,

it was revealed that the first petitioner was running the PCO from January, 2004 and due to disputes the tenants left the premises and now the second petitioner is running the PCO. It is stated that they never demanded or threatened the petitioners to pay the bills of the said telephones. It is stated that the petitioners are misusing the telephone connections without any valid permission.

Heard the learned counsel for petitioners and the learned Standing Counsel for the Central Government and with their consent, the writ petition is disposed of at the admission stage.

The learned counsel for the petitioners agreed that the telephone connections can be disconnected and the instruments and other material relating to the telephone booth can be seized. Having regard to the statement of the second respondent in the counter-affidavit that they never demanded or threatened the petitioners to pay the bill amounts of the said telephones, I see no reason to pass any orders in this writ petition.

However, it is open for the respondents to take appropriate action against the persons in whose favour the said telephone connections were given, and to seize the instruments and material relating to the said telephone booth.

With the above observations, the writ petition is disposed of. No costs.

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**N.V. RAMANA, J**

**Date: 22-06-2004**

SVV

To

1. The General Manager, Bharath Sanchar Nigam Limited, Hyderabad Telecommunications, Gunfoundry, Abids, Hyderabad.
2. Junior Telecom Officer, Zonal Office, B-Section, Saifabad Exchange, Chinthalbasthi, Khairatabad, Hyderabad.
3. Two C.D copies.